



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/662,973

09/15/2003

Gregory P. Lavoie

138661

1124

7590

04/04/2005

Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

NGUYEN, TUNG X

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,973

Applicant(s)

LAVOIE ET AL.

Examiner

Tung X. Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 16-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group II including claims 10-15, and 23, in the reply filed on 03/24/05 is acknowledged. The traversal is on the ground(s) that there is not burden. This is not found persuasive because there are divergent subject matters and the search for the method of performing energy calculation in the group I is not required the same search in groups II.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-9, and 16-22 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group I, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/24/05.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird (u.s.p 3,660,721), in view of Peterson et al. (u.s.p 5,420,799).

As to claim 10, Baird discloses in Fig. 1, a power distribution system comprising: a main breaker (24) for distributing power from a first power source (12) to a power bus

Art Unit: 2829

(Bus 10); a first module (42) in communication with the main breaker, the first module sampling a first voltage (from source 12) of the power at the main breaker (24); a feeder-breaker (124) for receiving the power from the power bus (Bus 10); a second module (142) in communication with the feeder-breaker; Baird does not disclose a central computer in communication with the first and a second modules for determining how much energy has been consumed in such a time interval. However, Peterson et al. disclose in Figs. 1-12 a central computer (PC of figure 12) in communication with the first (BPU of figure 1 or 12) and second modules (BPU of figure 1 or 12) over a data network (78 of figure 12) for determining how much energy has been consumed in such a time interval (col. 17, lines 60-67). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system of Baird, and provides the central computer, as taught by Peterson et al. for determining how much energy has been consumed in such a time interval (col. 17, lines 60-67).

As to claim 11, Baird discloses in Fig. 1, the second module comprises only a current sensor (43a, b, c or 143 a, b, c)

As to claim 12, Baird discloses in Fig. 1, the second module samples a second current (143 a, b, c) of the power at the feeder-breaker (124).

As to claim 13, Baird discloses in Fig. 1, the first voltage (from source 12) and the second current (from bus 10) are sampled at substantially the same time (via 42 and 142).

As to claim 14, Peterson et al. disclose in Fig. 12, the central computer determine the energy calculation of the second module based at least in part on the first voltage and the second voltage (col. 17, lines 60-67).

As to claim 15, Peterson et al. disclose in Figs. 1-26, a voltage sensor source identifier resident on the central computer (PC of figure 26), the central computer determining a source of voltage for the energy calculation based on the voltage sensor source identifier (figure 26).

Allowable Subject Matter

5. Claim 23 is allowed.

6. The following is an examiner's statement of reasons for allowance:

As to claim 23, the prior art does not disclose the central computer having a first polarity parameter so that the central computer can compensate for a polarity of the power flowing through the first breaker to a first selected polarity, and the central computer having a second polarity parameter so that the central computer can compensate for a polarity of the power flowing through the second breaker to a second selected polarity; in combination with the other claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Art Unit: 2829

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung X. Nguyen whose telephone number is (571) 272-1967. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (571) 272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN
3/28/05


VINH NGUYEN
PRIMARY EXAMINER
A.U. 2829
03/30/05